Single Bench

(3)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. NO. 4408 /2004

PETITIONER : Brijesh Kumar Sharma S/o. Baburam Sharma, Aged about 44 years, R/o. Darripara, Ambikapur, Distt. Surguja (C.G.)

VERSUS

RESPONDENTS :

1] State of Chhattisgarh, Through: Secretary, Energy Deptt., D.K.S. Bhawan, Raipur (C.G.)

2] Chhattisgarh Electricity Board, Through: its Secretary, Danganiya, Raipur, Distt. Raipur (C.G.)

3] Additional Chief Engineer, Chhattisgarh Electricity Board, Trikon Chowk, Kedarpur, Ambikapur, Distt. Surguja (C.G.)

4] The Secretary, Department of Cooperative Mantralaya, Raipur (C.G.)

P.R. No. 4460/04 Presented by Shri M. R. Parganiha dated 7-7-04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

PETITIONER (S).

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XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4408and4409/ **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	4-5-2005 Mr. Manoj Paranjpe, counsel for the petitioners. Mr. Akhil Agrawal, Panel Lawyer for the State/respondents No.1 and 4. Mr. Vinod Deshmukh, counsel for respondents No.2 & 3. Heard. W.P.No.4408/2004 filed by Brijesh Kumar Sharma and W.P. No.4409/2004 filed by Omprakash Singh relate to the same issue i.e. absorption and regularization of their services in the Chhattisgarh State Electricity Board. Therefore, they are being decided by this common order. The case of the petitioners is that Brijesh Kumar Sharma was working as Junior Engineer in the Madhya Pradesh Gramin Vidyut Sahkari Samiti Maryadit, Ambikapur, whereas, Omprakash Singh was working as O.A. Grade-III in the same Samiti and that Samiti was looking after the electrification of certain villages under the jurisdiction of that Samiti. However, the said Samiti was dissolved by the State Government under the notification dated 30-11-2002 and that Samiti's activities were taken over by the Chhattisgarh State Electricity Board. It was decided that the services of the employees of the said Samiti will be absorbed in the services of the CSEB. Since the dissolution of the said Samiti the petitioners are working with the CSEB. However, their services are not	

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मामला क्रमांक W.P.4408and4409/ **सन् 2003**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

being absorbed and no specific order in that respect is being passed by the respondent Electricity Board. Several representations were made by the petitioners in that respect, but the respondents are not paying any heed to the representations.

These matters were filed in the year 2004 and earlier they were taken up for hearing on 13-1-2005, thereafter, again on 24-3-2005, but, in spite of the time taken by counsel for the respondents, no return has been filed till today. Therefore, these matters are being disposed of in the absence of return filed by the respondents, as sufficient time has already been granted.

Learned counsel for the petitioners submitted that in spite of clause (iii) of the order dated 30-11-2002 (Annexure P-1) whereby a decision was taken by the Government that the services of all the employees of the Samiti will be absorbed by 1-12-2002 in the services of the CSEB, the petitioners services are not being absorbed and they are regularly working in the service of the CSEB. He further submitted that in W.P.No.2777/2002 filed by Kum. Rupinder Jeet Kaur & 49 others, who were members of the Society and Kum. Rupinder Jeet Kaur was working as the Managing Director of the Samiti, the petitioners in that case challenged the Government order taking over of the Samiti. Reply was filed by the CSEB in that writ petition in which it was mentioned that services of the members of the Samiti shall be absorbed in the CSEB,

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मामला क्रमांक W.P.4408 and 4409/ **सन् 2003**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

therefore, no grievance can be made by the members of the Samiti and that is a policy decision taken by the Government after having approval of the Cabinet, and it was also mentioned that the employees of the respondent Samiti are more benefited than in the employment of the Samiti, as their services have been absorbed in the CSEB. In para 5 of the order passed in the said writ petition, it is mentioned that 66 employees of the Samiti have already joined the services of the Electricity Board.

Therefore, in view of Annexure P-1 and the statement made by the CSEB in that writ petition (W.P.No.2777/2002), it is evident that the respondent Electricity Board is required to absorb the services of the petitioner.

Therefore, in the circumstances, I am of the opinion that these writ petitions deserve to be allowed and the respondent Board should be directed to decide the case of the petitioners regarding absorption of their services in the CSEB in terms of clause (iii) of Annexure P-1. Ordered accordingly.

In view of this order, I.A.Nos.8890/2004 and 8888/2004 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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